

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

----oo0oo----

T.O., a minor through his
Guardian Ad Litem Hannah
Morris, Individually and as
Personal Representative of the
Estate of AMY WAYNE MORRIS,
Deceased, and S.O., a minor
through his Guardian Ad Litem
Hannah Morris, Individually and
as Personal Representative of
the Estate of AMY WAYNE MORRIS,

Plaintiffs,

v.

COUNTY OF NEVADA, a
Governmental Entity; WELLPATH,
LLC, a Delaware limited
liability company; NATIVIDAD
RICKS, RN; JENNIFER PIXLEY, RN;
JOSEPH BRITTON, MD; and DOES 1
through 10, inclusive,

Defendants.

No. 2:24-cv-1131 WBS AC

ORDER

T.O., a minor through his
Guardian Ad Litem Hannah
Morris, Individually and as
Personal Representative of the
Estate of AMY WAYNE MORRIS,
Deceased, and S.O., a minor
through his Guardian Ad Litem
Hannah Morris, Individually and
as Personal Representative of
the Estate of AMY WAYNE MORRIS,

No. 2:24-cv-3243 WBS AC

ORDER

Plaintiffs,

v.

MICHAEL O'BRIEN, individually,
Defendant.

-----oo0oo-----

On June 23, 2025, the court held a joint status
conference in T.O. v. County of Nevada, No. 2:24-cv-1131 WBS AC;
and T.O. v. O'Brien, No. 2:24-cv-3243 WBS AC. (See County of
Nevada, Docket No. 63; O'Brien, Docket No. 31.) At the joint
status conference, the parties and the court came to several
agreements, and the court made multiple oral orders, which are
formalized below.

As of May 9, 2025, defendant Wellpath, LLC ("Wellpath")
has exited bankruptcy. (See County of Nevada, Docket No. 62 at
¶¶ 1-9.) IT IS THEREFORE ORDERED that the stay in County of
Nevada, No. 2:24-cv-1131 WBS AC, is hereby LIFTED. (See County
of Nevada, Docket No. 55 at 1-2).

IT IS FURTHER ORDERED that, pursuant to Federal Rule of
Civil Procedure 42(a)(2), O'Brien, No. 2:24-cv-3243 WBS AC, is
hereby consolidated with County of Nevada, No. 2:24-cv-1131 WBS

1 AC, for all purposes.

2 IT IS FURTHER ORDERED that (1) County of Nevada, No.
3 2:24-cv-1131 WBS AC, is designated as the "master file"; (2) the
4 Clerk of the court is directed to copy the complaint (O'Brien,
5 Docket No. 1) and answer (O'Brien, Docket No. 18) in O'Brien,
6 No. 2:24-cv-3243 WBS AC, and to place said copies in the "master
7 file"; (3) the Clerk of the court is directed to administratively
8 close O'Brien, No. 2:24-cv-3243 WBS AC; and (4) the parties are
9 directed to file all future pleadings and motions only in County
10 of Nevada, No. 2:24-cv-1131 WBS AC.

11 IT IS FURTHER ORDERED that plaintiffs' ex parte
12 application to shorten the time to hear their motion to join
13 California Forensic Medical Group ("CFMG") is DENIED.
14 (See O'Brien, Docket No. 26.) The parties are directed to file
15 no further ex parte applications in the newly consolidated
16 matter. The motion to join CFMG and any future motions shall be
17 noticed for hearing on an available law and motion calendar in
18 accordance with the Local Rules.

19 IT IS FURTHER ORDERED that within 14 days from the date
20 of this Order, plaintiffs shall file an amended complaint in
21 County of Nevada, No. 2:24-cv-1131 WBS AC, to reflect its
22 consolidation with O'Brien, No. 2:24-cv-3243 WBS AC, and to join
23 the Liquidating Trust of Wellpath's chapter 11 restructuring as a
24 nominal defendant. Within 14 days after service of such amended
25 complaint, pursuant to Rule 15(a)(3) of the Federal Rules of
26 Civil Procedure, defendants shall file their responsive pleadings
27 to such amended complaint, including Wellpath's motion to dismiss
28 because of its discharge in bankruptcy. Within 14 days after the

1 filing of such amended complaint, plaintiffs may also refile
2 their motion for the joinder of CFMG as a defendant.

3 IT IS FURTHER ORDERED that no discovery shall be
4 conducted until the court issues its scheduling order, which will
5 follow the court's ruling on plaintiffs' motion to join CFMG.

6 IT IS FURTHER ORDERED that simultaneous with their
7 briefing on plaintiffs' motion to join CFMG, the parties shall
8 file individual or joint status reports pursuant to Local Rule
9 240, which shall contain:

10 (a) a proposed discovery plan required by Federal Rule
11 of Civil Procedure 26(f);

12 (b) a proposed cut-off date by which all discovery
13 shall be concluded;

14 (c) a proposed date by which all motions shall be filed
15 and heard;

16 (d) any proposed modification of standard pretrial
17 proceedings due to the special nature of the action;

18 (e) the estimated length of trial; and

19 (f) any other matters discussed in Local Rule 240 that
20 may add to the just and expeditious disposition of this matter.

21 IT IS SO ORDERED.

22 Dated: June 25, 2025



23 **WILLIAM B. SHUBB**
24 **UNITED STATES DISTRICT JUDGE**
25
26
27
28